

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>THOMAS E. HART,</b>	)	
<b>AIS # 00210800,</b>	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL ACTION NO. 1:22-00209-JB-N</b>
	)	
<b>JOSEPH HEADLEY, <i>et al.</i>,</b>	)	
<b>Respondents.</b>	)	

**ORDER**

After due and proper consideration of the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge (Doc. 18) made under 28 U.S.C. § 636(b)(1)(B)–(C), Federal Rule of Civil Procedure 72(b), and S.D. Ala. GenLR 72(a)(2)(S), and dated May 31, 2023, is **ADOPTED** as the opinion of this Court.

Accordingly, it is **ORDERED** that Petitioner Thomas Hart’s amended Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 (Doc. 6) dated July 19, 2022 be **DISMISSED with prejudice** as time barred from consideration under the Anti-Terrorism and Effective Death Penalty Act of 1996, Pub. L. No. 104-132, 110 Stat. 1214 (“AEDPA”) and 28 U.S.C. § 2244(d).

Additionally, Hart is not entitled to a Certificate of Appealability in relation to this final adverse order, and the Court **CERTIFIES** any appeal of this order and accompanying judgment would be without merit and therefore not taken in good faith. Thus, Hart is not entitled proceed *in forma pauperis* on appeal.

Final judgment shall issue separately in accordance with this order and Fed. R. Civ. P. 58.

**DONE and ORDERED** this 21st day of June, 2023.

/s/ JEFFREY U. BEAVERSTOCK  
CHIEF UNITED STATES DISTRICT JUDGE